

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DAKOTA J. ROMERO,

Plaintiff

DEPUTY HODGE *et al.*

Defendants

Case No.: 3:23-cv-00623-ART-CSD

Order

Re: ECF No. 94

Plaintiff has filed a motion for issuance of a summons and for service on defendant

10| Brenda Jones. (ECF No. 94.)

11 On October 15, 2024, the court issued a report and recommendation screening Plaintiff's
12 seventh amended complaint, recommending that Plaintiff be allowed to proceed with claims
13 against the following defendants: Deputy Hodge, Wade, Ituake, Nurse Kayley, Nurse Eadie,
14 Nurse Buehler, Brenda Jones, the WCDF Medical Provider Does (Nurse Doe 1 and Medical
15 Provider Doe 3) and St. Mary's Medical Provider Does 1-2 (when Plaintiff learns the identities
16 of the Does and moves to substitute and/or amend in accordance with the Federal Rules of Civil
17 Procedure, Local Rules and operative scheduling order).(ECF No. 33.)

18 On March 4, 2025, District Judge Traum issued an order adopting the report and
19 recommendation, and directed the Clerk to issue summonses for service on the Defendants by
20 the U.S. Marshal's Service (USMS), and issued to Plaintiff USM-285 forms for Plaintiff to fill
21 out with the relevant information for each defendant and provide to the USMS for service. (ECF
22 No. 40.)

1 Summons were issued for each defendant that same day (ECF No. 41), and on March
2 26, 2025, the summons for Brenda Jones was returned as unexecuted, with a notation that Jones
3 did not work at the listed address (ECF No. 50).

4 On March 31, 2025, Plaintiff filed a motion for issuance of summonses and USM-285
5 forms to attempt to effectuate service again on Defendants Wade, Ituake, Nurse Kaylee, Nurse
6 Eadee, Nurse Michael Buehler, and Brenda Jones. (ECF No. 52.)

7 On April 17, 2025, the court issued summonses for these defendants and had them
8 delivered to the U.S. Marshal for service, and sent Plaintiff the USM-285 forms to fill out and
9 give to the U.S. Marshal for each defendant for service. (ECF Nos. 55, 56.)

10 The summonses were returned unexecuted for Buehler, Eadee, Ituake, Nurse Kaylee
11 (ECF No. 65) and Jones (ECF No. 74).

12 At a May 13, 2025 status conference, the court extended the deadline for service of the
13 defendants to August 1, 2025. (ECF No. 66.)

14 On August 20, 2025, Plaintiff filed this motion to issue a summons and USM-285 form
15 so that he can attempt service on Brenda Jones at another address. (ECF No. 94.)

16 The deadline to complete service for the remaining Defendants expired on August 1,
17 2025. As such, Plaintiff's request, which in effect seeks to extend the deadline for service after it
18 expired, must be supported by a showing of excusable neglect. *See* Fed. R. Civ. P. 6(b).

19 Plaintiff's motion does not demonstrate excusable neglect. Nevertheless, the court will
20 give Plaintiff one final extension of time to serve the remaining defendants or they will be
21 dismissed without prejudice pursuant to Federal Rule of Civil Procedure 4(m). In the future,
22 Plaintiff shall request extensions of deadlines *before* the deadline expires and must be supported

1 by good cause. If a motion is made after expiration of the deadline, it must be supported by a
2 showing of excusable neglect.

3 **CONCLUSION**

4 Plaintiff's motion (ECF No. 94) is **GRANTED** insofar as he has up to and including
5 **October 10, 2025** to file a proof of service as to the remaining defendants or they will be
6 dismissed without prejudice pursuant to Federal Rule of Civil Procedure 4(m).

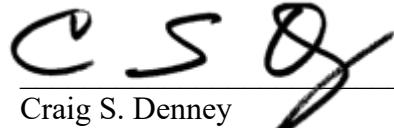
7 The Clerk shall **ISSUE** a summons for defendant Brenda Jones and deliver the same to
8 the U.S. Marshal for service.

9 The Clerk shall **SEND** a copy of the Seventh Amended Complaint (ECF No. 32) and a
10 copy of this Order to the U.S. Marshal for service on Jones.

11 The Clerk shall **SEND** Plaintiff a USM-285 form. Plaintiff has 21 days to furnish the
12 U.S. Marshal the USM-285 form with the relevant information for defendant Jones.

13 **IT IS SO ORDERED.**

14 Dated: August 28, 2025


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16 Craig S. Denney
United States Magistrate Judge

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